

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC  
MDL 2641

**MASTER SHORT FORM COMPLAINT  
FOR DAMAGES FOR INDIVIDUAL  
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint in MDL No. 2641 by reference (Doc 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Katelynne J. DiTomaso

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New Hampshire

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Hampshire

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Hampshire

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the State of New Hampshire

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: \_\_\_\_\_

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

---

---

---

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (check applicable Inferior Vena Cava Filter(s)):



Recovery<sup>®</sup> Vena Cava Filter



G2<sup>®</sup> Vena Cava Filter



G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter



Eclipse<sup>®</sup> Vena Cava Filter



Meridian<sup>®</sup> Vena Cava Filter

- ☐ Denali<sup>®</sup> Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

[02/22/2010] 02/22/2006

---

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Pro Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable New Hampshire (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space, immediately below)

---

---

---

---

RESPECTFULLY SUBMITTED this 15th day of February, 2017.

**MURPHY LAW FIRM, LLC**

/s/ Peyton P. Murphy

PEYTON P. MURPHY (LA Bar #22125)

(admitted *pro hac vice*)

2354 S. Acadian Thruway

Baton Rouge, LA 70808

Telephone: (225) 928-8800

Facsimile: (225) 246-8780

Email: [Peyton@MurphyLawFirm.com](mailto:Peyton@MurphyLawFirm.com)

TODD C. COMEAUX (LA Bar #23453)

TODD C. COMEAUX, LLC.

4880 Bluebonnet Boulevard, Suite A

Baton Rouge, LA 70809

Telephone: (225) 706-9000

Facsimile: (225) 706-9001

Email: [TC@ComeauxLawFirm.com](mailto:TC@ComeauxLawFirm.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify on this 15th day of February, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Peyton P. Murphy

Peyton P. Murphy (LA Bar #22125)